

**SMITH HOPEN**  
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NOV 09 2007

**Fax** INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Ronald E. Smith
Attn:	Michael A. Brown, Art Unit: 3772	Client:	1320.02
Fax:	(571) 273-8300	Pages:	4 including coversheet
Phone:	(571) 272-4972	Date:	November 9, 2007
Re:	USSN 09/682,353	CC:	Bailey Walsh & Co.

Urgent     For Review     Please Comment     Please Reply     Please Recycle

Dear Examiner Brown:

In response to the non-final office action mailed October 17, 2007, we enclose the following:

- 1) Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated November 9, 2007 (1 page); and
- 2) Response to Election/Restriction Requirement with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated November 9, 2007 (2 pages).

Very respectfully,

Ronald E. Smith  
Reg. No. 28,761

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 09/682,353	Confirmation No.: 8397
Applicant:	: Richard M. Hall	
Filed:	: 08/24/2001	
Art Unit	: 3772	
Examiner	: Michael A. Brown	
Docket No.	: 1320.02	
Customer No.	: 21,901	
For	: Obesity Treatment Aid	

Transmitted to Central Fax at (571) 273-8300  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

## TRANSMITTAL

1. Transmitted herewith is a Response to Election/Restriction Requirement for this application.

## STATUS

2. Applicant is an independent inventor.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.  
 Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

Reg. No.: 28,761  
 Customer No.: 21,901

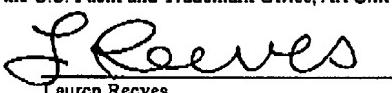
  
SIGNATURE OF PRACTITIONER  
 Ronald E. Smith  
 Smith & Hopen, P.A.  
 180 Pine Avenue North  
 Oldsmar, Florida 34677  
 (813) 925-8505

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 CERTIFICATE OF FACSIMILE TRANSMISSION  
 (37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Art Unit 3772,  
 Attn: Michael A. Brown, (571) 273-8300 on November 9, 2007.

Dated: November 9, 2007

  
 Lauren Reeves

(Transmittal—page 1)

NOV 09 2007

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Alexandria, VA 22313-1450

Dear Sir:

Applicant responds to the nonfinal Examiner's action mailed October 17, 2007, having a shortened statutory period for response set to expire November 17, 2007 as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant elects, without traverse, to prosecute Group I, claims 1-25 and 34, drawn to a dieting aid and a snoring prevention device, classified in class 128, subclass 848.